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TAGS: [PARM](#) [PREL](#) [ETTC](#) [AE](#)

SUBJECT: DEADLINE FOR EXPORT CONTROL LAW "INTERFERENCE IN
INTERNAL AFFAIRS"

REF: A. ABU DHABI 2688

[1](#)B. STATE 102501

[1](#)C. ABU DHABI 2771

[1](#)D. ABU DHABI 2772

Classified By: Ambassador Michele J. Sison for reasons 1.4 b and d.

[1](#)1. (S/NF) Summary. On July 4, Ambassador received a letter from Brigadier Mohamad al-Qemzi, Chairman of the U.S./UAE Counterproliferation Task Force and director of the Dubai security service. The letter responded to Ambassador's ref A demarche on "Improving the UAE Counterproliferation Effort" to ForMin Abdullah bin Zayed al-Nahyan (AbZ), urging that the UAE pass its export control law by July 15, develop an export control enforcement regime, and cooperate on USG requests for assistance. Although al-Qemzi's message stressed the UAE's close international cooperation on non-proliferation issues and an understanding of its importance, it quickly turned to a rebuttal of the demarche and non-paper. Attached to al-Qemzi's letter were "talking points" that stated that the USG's "ultimatum" regarding the UAE's export control law "represents an act of interference in internal affairs of a friendly sovereign country, and there will be no discussions regarding the timing of issuing a UAE government law with any foreign country." The "talking points" also stated that the ultimatum "disagrees with the spirit of cooperation between the two countries and may affect back channels of communication in sensitive issues." It is clear that al-Qemzi has not yet grasped fully the depth and breadth of the USG concerns regarding Iran's WMD and missile programs and the role that the UAEG -- particularly Dubai -- must play in countering Iran's efforts. End summary.

[1](#)2. (S/NF) Al-Qemzi's letter also responded to a 17 June letter from Ambassador explaining the role of the USDOC/Bureau of Industry and Security (BIS) Export Control Officer and the May visit of a DOC/Office of Export Enforcement (OEE) Sentinel team. (Note: the Ambassador's 17 June letter responded to pointed questions from al-Qemzi about DOC activity in the UAE. End note.) Al-Qemzi wrote that, "The efforts of the Department of Commerce are honorable; however it would be difficult to achieve full benefit without the support of local authorities. Sentinel team would find difficulties in receiving feedback from commercial entities working in the UAE without legal justification for their inquiries... Visiting commercial

entities operating legally in the UAE to conduct a check without prior coordination with the authorities violates diplomatic conduct (sic)."

Letter

13. (S) Following is the text of the letter and talking points (marked SECRET) dated July 4, 2006 from Brigadier Mohamed Al Qemzi, Director of General Department of State Security, to the Ambassador.

Begin text:

July 4, 2006

Your Excellency:

I would like to thank you for your letter dated June 17, 2006 regarding the US Department of Commerce. The objectives of the Export Control Office are honorable as are the efforts of many other entities involved in the collective effort to counter proliferation world wide.

In my capacity as Chairman of the UAE Federal counter proliferation team, we work towards combining the efforts of local, regional and international community towards countering the proliferation of Weapons of Mass Destruction (WMD) as well as delivery systems technology. This effort can not be fruitful without the collective efforts of various parties.

The UAE counter proliferation team realizes the importance of coordinated work on this issue and it involves various federal and local government bodies in the process to maintain a unified approach to the issue. The support from international partners and the cooperation of the local

community helped us to overcome a number of challenges.

On the local level, we have been working closely with different government, semi-government and private organizations to make sure that the UAE is not used to facilitate the proliferation of WMD. Raising awareness of the parties involved helped our efforts to deal with dual use material. Through working closely with local authorities involved in licensing, customs, security as well as private companies and shipping subcontractors we managed to make them active partners in our counter proliferation efforts.

On the global level, we have been working closely with a number of countries and international organizations on matters of exchange of information, capacity building, as well as creating direct links to facilitate field operations.

I have to say that the progress so far achieved, inconspicuous as it may be, is quite sizable and has global effect. We remain determined to continue this effort by engaging local community and in close cooperation with our friends and allies.

Once again I would like to thank you for taking a step towards building better understanding of counter proliferation efforts by various bodies in the US. I hope that will reinforce a tradition of transparency and close coordination that is based on trust and confidence.

Sincerely,

Brigadier Mohamed Al Qemzi
Director of General Department of State Security

Talking Points

11. The UAE considers the USA as a major partner in the global efforts to counter the proliferation of WMD, as well as a strategic ally in the international effort to counter proliferation.

¶2. The UAE has been very supportive of all the initiatives that are geared to enhance counter proliferation efforts including working closely with the International Atomic Energy Agency (IAEA), and being a signatory to the NPT as well as its interest in Missile Technology Control Regime (MTCR). Lately the UAE supported the spirit of the Proliferation Security Initiative (PSI).

¶3. The UAE has been a front runner in supporting global initiatives to prevent proliferation of nuclear weapons technology, chemical and biological agents technology as well as the proliferation of delivery systems for WMD.

¶4. The UAE is an active partner with many countries in supporting efforts to counter proliferation including the UK, Germany, Holland, South Africa, Australia, Japan, Singapore the USA and other countries. It has been engaging in knowledge transfer programs as well as establishing mechanisms for exchanging information and intelligence.

¶5. The UAE authorities maintained a very active and dynamic back channels between security apparatus counterparts. This relationship stands witness to the extent of cooperation between the two countries.

¶6. The UAE, and Dubai authorities have approved a special unit for US Customs in Jabal Ali port as part of the Container Security Initiative. The UAE was the first Middle Eastern country to support the initiative.

¶7. The efforts of the Department of Commerce are honorable; however it would be difficult to achieve full benefit without the support of local authorities. Sentinel team would find it difficult in receiving feedback from commercial entities working in the UAE without legal justification for their inquiries.

¶8. Visiting commercial entities operating legally in the UAE to conduct a check without prior coordination with the authorities violates diplomatic conduct and breaches the spirit of confidence and faith that has been the foundation of the relationship between the UAE and the USA.

¶9. Any international task force, such as the sentinel team, that does not seek the proper representation from local authorities, would find its mission critically hindered due to lack of legal justification since no entity is legally or even morally obliged to respond. This is probably due to lack of insight about the business culture in the UAE. Therefore, it is natural companies and commercial entities operating in the UAE would not accept to provide feedback or respond to any entity that is not vetted by a government authority within its jurisdiction.

¶10. The response rate of the end use checks could be critically flawed (sic) and accordingly not suitable for reference let alone as a basis for decision making regarding this issue. Reaching accurate response rate would require legal cover by UAE authorities that would allow business to respond without exposing their business details to an unvetted entity.

¶11. With the reference to Mayrow case, the U.A.E Authorities recently has taken all the necessary steps to monitor the companies activities, branches and its staff, in order to take suitable decision against it. Assuring the U.A.E. transparency in this respect, we disclosed full details of all related companies to representatives' of the US Agencies. In addition to the above, the U.A.E had taken a decisive action against number of companies involved in proliferation of WMD, and we shared this information with other friendly countries that contribute in counter proliferation of WMD.

¶12. The global perspective of counter proliferation efforts require the UAE to be an active partner with various entities and therefore can not base its judgments and action on the sole objective of protecting US businesses.

¶13. The scope of work required to clamp down on proliferation of WMD is diverse and cannot be limited to commercial aspects. There is effort done on intelligence gathering and on raising awareness to develop a sustainable legal environment and business culture to support counter proliferation efforts on the long run.

¶14. While transporting US dual use technology to unverified end use is a main concern, the UAE experience indicates that there are real concerns regarding high tech industrial technology from the Far East, East Europe, Europe and Russia. Realistically, this would require a wide angel approach to international collaboration.

¶15. Further actions that would put strict restriction on UAE business may not have great impact on the UAE since UAE exports to the USA represent only 1.7% of its total exports while its imports from the USA represent 6% of total imports according to 2004 statistics. However, the demoralizing effect of these actions maybe more frustrating.

¶16. While proliferation related diversions remain to be a global challenge, the UAE has been taking serious steps to restrict and monitor proliferation networks in close collaboration with various security entities in the world including the CIA.

¶17. In the absence of bilateral agreements, between the UAE and US, which provide internationally accepted criteria for indicting violators of non-proliferation codes, it is difficult to impose legal actions against suspected commercial entities.

¶18. So far the UAE has been using various bureaucratic channels with local and federal authorities to take action against violators. To maintain these channels, until a legal framework is established, prudence, cooperation and confidence are required.

¶19. The UAE federal Counter Proliferation team will continue to work to contribute towards global counter proliferation efforts while the legal framework is being developed.

¶20. The UAE is sympathetic towards the interest of US businesses; however the national security of the UAE is clearly paramount in any action taken in this matter. In this context actions that can be deemed hostile against a certain nation can not be publicized nor celebrated.

¶21. Unilateral action against the UAE, remains to be the decision of the US administration, but its consequences may affect the bilateral relationship between the two countries on various vital issues but would most adversely distract the global effort to counter proliferation.

¶22. The legal framework in the UAE needs to be developed in a manner that would take in consideration global accord on this matter as well as the strategic interests of the local community. There is no regionally established legal framework which necessitate that the UAE considers its forthcoming legal framework very carefully.

¶23. Officially, Issuing an ultimatum to the UAE regarding the timing of its forthcoming legal framework represents as act of interference in internal affairs of a friendly sovereign country, and there will be no discussions regarding the timing of issuing a UAE government law with any foreign country.

¶24. On an unofficial level, the ultimatum disagrees with the spirit of cooperation between the two countries and may affect back channels of communication in sensitive issues.

¶25. The global effort to sustain world security should set the wider context of maintaining the permanence of the UAE-US relationship. In this spirit both parties will protect bilateral relations and guarantee that back channels remain

open.

End text.

Comment

¶4. (S/NF) Al-Qemzi was clearly stung by ref B demarche. As he noted in the "talking points," the UAE believes it is cooperating with the USG and international community, having endorsed the Proliferation Security Initiative (PSI) Statement of Interdiction Principles, cooperated with U.S. and other countries on exercises and training programs, and by being the first Middle Eastern country to become a part of the Container Security Initiative. In fact, on July 4 MFA Director for International Organizations and Conferences Yacoub al-Hosani agreed to allow the U.S. to publicize the UAE's participation in the PSI (ref C). However, it is clear that al-Qemzi has thus far failed to grasp fully the depth and breadth of the USG concerns regarding Iran's WMD and missile programs and the role that the UAEG must play in countering Iran's efforts.

¶5. (S/NF) Al-Qemzi is likely feeling pressure on a host of counterproliferation issues, as the chair of the UAE's counterproliferation task force, and the go-to person for several USG agencies on law enforcement and other counterproliferation requests. However, UAE Vice President/Prime Minister and Ruler of Dubai Mohammed bin Rashid al-Maktoum (MbR) -- to whom al-Qemzi reports -- curiously did not mention al-Qemzi's letter to Ambassador during a meeting on July 1, nor did MbR push back on the request for early passage of an export control law. In fact, MbR stated, "We can make the law and control what we can," but he did not elaborate on a timeline for passing the law (ref D).

¶6. (S/NF) Embassy and ConGen will continue to monitor UAE compliance with our frequent requests for information, action, and cooperation on specific transshipment, interdiction, and front company cases. Ambassador will also follow-up with ForMin Abdullah bin Zayed on the al-Qemzi letter and reiterate the importance of robust and continued U.S./UAE cooperation on counterproliferation matters.

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